

REMARKS

Claims 1-3 and 5-8 are pending. Claims 1-3 and 5 are rejected and claims 6-8 are withdrawn from consideration.

Response to Claim Rejections Under 35 U.S.C. § 103

Claims 1-3 and 5 were rejected under 35 U.S.C. § 103(a), as being obvious over Takanobu et al. (JP 2002-105433), Wataru et al. (JP 05-017538) or Naoki et al. (JP 11-124419), each individually in view of Ohmori et al. (EP 247,489 A2) and/or Tsunenori et al. (JP 2003154307).

Applicants traverse, and respectfully request the Examiner to reconsider in view of the Declaration under 37 C.F.R. § 1.132 of Akihiko Ueda submitted herewith and the following remarks.

(i) Combination of α -substituted fluorine containing acrylate and Rf group

Present claim 1 recites in part a fluorine-containing polymer comprising repeating units derived from a monomer containing both (i) an α -substituted fluorine containing acrylate, and (ii) an Rf group having 1 to 6 carbon atoms which maybe be a fluoroalkyl group, or a fluoroalkenyl group.

In contrast, although certain examples of the cited references disclose monomers having substituent (i), whereas other examples show monomers having the substituent (ii), none of Takanobu, Wataru and Naoki discloses a monomer containing both substituents (i) and (ii).

Further, despite partial overlap in the number of carbon atoms of the Rf group, the prior art does not disclose or suggest a fluorine-containing polymer comprising repeating units derived from a monomer containing both substituents (i) and (ii). For this reason alone, it is respectfully submitted that the present claims are patentable over the cited prior art.

(ii) Criticality of upper limit of 6 carbon atoms for the Rf group

The Declaration under 37 C.F.R. § 1.132 submitted concurrently herewith shows criticality of the upper limit of 6 carbon atoms for the Rf group. Fluorine-containing polymers prepared from fluorine-containing monomers within the scope of present claim 1 having Rf groups containing 4 and 6 carbon atoms were prepared and evaluated. The results show excellent soil resistance for polymers prepared from both monomers.

On the other hand, Applicants advise that it is difficult to produce fluorine-containing monomers with an Rf group having 7 carbon atoms, because the fluorine-containing monomer is produced by polymerizing a fluorine-containing compound having 2 carbon atoms.

Furthermore, the 8-carbon fluorine-containing monomer can produce perfluorooctanoic acid (PFOA) which is a hazardous material. Therefore, experimentation was not carried out for a fluorine-containing polymer containing repeating units derived from a fluorine-containing monomer with an Rf group having 8 carbon atoms.

As discussed above, none of the cited references discloses a fluorine-containing polymer comprising repeating units containing both (i) an α -substituted fluorine-containing acrylate, and (ii) an Rf group having 1 to 6 carbon atoms. Further, the test data presented in the Declaration under 37 C.F.R. § 1.132 of Akihiko Ueda demonstrates that the effects of the invention are obtained for Rf groups having up to 6 carbon atoms. For the above reasons, it is respectfully submitted that the present claims are patentable over the cited references, and withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

Rejoinder of Claims 6-8

Applicants respectfully submit that in view of the above, claims 1-3 and 5 are in condition for allowance. Therefore, Applicants request rejoinder of claim 6 as being drawn to a

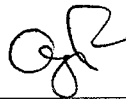
composition comprising the fluorine-containing monomer of claim 1, and claims 7-8 as being drawn to a method for producing treated masonry.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Abraham J. Rosner
Registration No. 33,276

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 17, 2009